

**MINUTES
CITY COUNCIL AGENDA
THURSDAY, APRIL 6, 2023, 7:00 P.M.
CITY COUNCIL CHAMBERS- HURLEY BUILDING
205 SALTONSTALL ST.**

VIRTUAL: <https://us06web.zoom.us/j/82103183289>

LIVE STREAM: <https://fingerlakestv.org/live/>

City Councilmembers Present:

Bob Palumbo, Mayor
Ellen Polimeni, Councilmember Ward I
Dan Unrath, Councilmember Ward II
Karen White, Councilmember Ward III
Erich Dittmar, Councilmember Ward IV
Sim Covington, Councilmember-at-Large
Thomas Lyon, Councilmember-at-Large
Renée Sutton, Councilmember-at-Large
Steve Uebbing, Councilmember-at-Large (via Zoom)

City Staff Present:

John Goodwin, City Manager
Erin VanDamme, City Clerk
David Hou, Corporation Counsel

The Mayor called the meeting to order at 7:00 pm.

After the Pledge of Allegiance, the Mayor asked for a moment of silence for former Alderman William Macri, who recently passed away. He then recognized Councilmember Sutton. Councilmember Sutton apologized to Councilmember Lyon for her behavior at the Planning Committee meeting the week prior.

Public Hearing: The Mayor opened the Public Hearing at 7:02 pm regarding Amending Schedule 1 of the Zoning Ordinance for Mixed Use Districts. No one spoke. The Mayor closed the hearing at 7:03 pm.

Review of Community Core Values: Councilmember-at-Large Polimeni read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive; Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

Approval of Minutes:

March 2, 2023

Moved: Councilmember Ward 3 White

Seconded: Councilmember-at-Large Covington

Vote Result: Carried unanimously by voice vote (9-0)

Recognition of Guests: There were no guests.

Committee Reports: There were no committee reports.

Resolutions:

Resolution #2023-023:

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember-at-Large Uebbing

A RESOLUTION APPROVING THE SALE OF 267 SOUTH MAIN STREET

WHEREAS, in order to implement the redevelopment plan adopted via Resolution #2023-018, the City intends to sell 267 South Main Street to 267 South Main Street Associates, LLC for \$1.00; and

WHEREAS, the sale of the property to effectuate the redevelopment includes the following conditions:

- The redevelopment, as approved, shall be completed within three years from the date of property transfer, and
- No real estate, mortgage or sales tax abatements shall be applied for or utilized; and

WHEREAS, a public hearing was held on April 6, 2023 regarding the sale of 267 South Main Street;

NOW, THEREFORE, BE IT RESOLVED, by City Council that the City Manager is hereby authorized to complete any and all necessary documents to effectuate the sale of 267 South Main Street to 267 South Main Street Associates, LLC for \$1.00;

BE IT FURTHER RESOLVED, that the sale shall include the following conditions:

- The redevelopment plan, as approved via Resolution #2023-018, shall be completed within three years from the date of property transfer, and
- No real estate, mortgage or sales tax abatements shall be applied for or utilized

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-024:

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember Ward 3 White

**A RESOLUTION RECOGNIZING AND THANKING
RETIRING MOTOR EQUIPMENT OPERATOR GUY PARKER
FOR HIS 29+ YEARS OF SERVICE TO THE CITY OF CANANDAIGUA**

WHEREAS, Guy Parker, served the City of Canandaigua from his initial temporary appointment on April 5th, 1993, as a Public Works Maintenance Assistant, which became a permanent appointment on August 23rd, 1993; and

WHEREAS, in February 1997 the Public Works Maintenance Assistant title was reclassified to a Motor Equipment Operator Light; and

WHEREAS, on April 2nd, 2001, Guy was promoted to Motor Equipment Operator, and he is now celebrating his retirement on March 11, 2023; and

WHEREAS, during his 29+ years, Guy worked where and when needed, including in the middle of the night on the snow fighting crew, in the shop repairing equipment, and on all manner of street maintenance assignments; and

WHEREAS, Guy served under six (6) City Managers, two (2) Mayors, and sixteen (16) City Councils; and

WHEREAS, during his career Guy performed his duties with dedication and professionalism, and won the respect of his peers and coworkers;

NOW, THEREFORE, BE IT RESOLVED, that the Canandaigua City Council, on behalf of the residents of the City of Canandaigua, does hereby recognize and thank Guy Parker for his 29+ years of dedicated service to the City of Canandaigua and wishes him many happy years of retirement.

Prior to the vote, Councilmember Polimeni said that Mr. Parker was a great asset as a City employee, but a great advocate to the public at large. Mayor Palumbo agreed and said the department has big shoes to fill in his absence. All of Council congratulated Mr. Parker on his retirement and years of dedicated service.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-025:

Moved: Councilmember-at-Large Covington

Seconded: Councilmember-at-Large Sutton

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON ORDINANCE
#2023-003 – AMENDING CHAPTER 585 SOLID WASTE**

NOW, THEREFORE, BE IT RESOLVED, by City Council that a public hearing on Ordinance #2023-003 amending Chapter 585 Solid Waste shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and held virtually at <https://us06web.zoom.us/j/82103183289> during the City Council the meeting held at 7:00 p.m. on May 4, 2023; and

BE IT FURTHER RESOLVED, although not required, the City Clerk shall cause notice to be given the same as the requirements of Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-026:

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember Ward 3 White

**A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON A LOCAL LAW
AMENDING CHAPTER 612 TO ADD A NEW PROPERTY TAX EXEMPTION FOR VOLUNTEER
FIREFIGHTERS AND AMBULANCE WORKERS**

WHEREAS, Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law require a public hearing on a proposed local law;

NOW, THEREFORE, BE IT RESOLVED, by City Council that a public hearing on a local law amending Chapter 612 to add a new property tax exemption for volunteer firefighters and ambulance workers shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and virtually at <https://us06web.zoom.us/j/82103183289> during the City Council meeting beginning at 7:00 p.m. on Thursday, May 4, 2023; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause notice to be given as required by Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-027:

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember Ward 1 Polimeni

**A RESOLUTION AWARDING AN ENGINEERING SERVICES CONTRACT FOR THE
INSTALLATION OF BACKUP GENERATORS AT VARIOUS LOCATIONS**

WHEREAS, the City of Canandaigua has pre-ordered multiple emergency generators to update existing equipment at multiple City facilities; and

WHEREAS, each installation requires some site-specific engineering to prepare the site for the new generator; and

WHEREAS, the City issued a Request for Proposals (RFP) for engineering services to design the necessary site improvements; and

WHEREAS, of seven proposals received on February 9th, 2023, M/E Engineering, 300 Trolley Blvd., Rochester, NY submitted the lowest responsible proposal for the project, with a total fee of \$58,000; and

WHEREAS, the City Manager and the Director of Public Works recommend a contract be awarded to M/E Engineering for engineering services to complete the emergency generator site designs; and

WHEREAS, the recommendation was reviewed and approved at the March 21st, 2023 Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute an engineering services contract with M/E Engineering for the design of the necessary site improvements for the pending emergency generator installations at multiple City facilities.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-028:

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at-Large Sutton

A RESOLUTION AWARDING AN ENGINEERING SERVICES CONTRACT FOR THE DESIGN OF REPAIRS TO THE SALTONSTALL STREET BRIDGE OVER THE FEEDER CANAL AND IMPROVEMENTS TO THE ENTRANCE TO THE CITY’S PROPERTY AT 4620 COUNTY ROAD 46.

WHEREAS, the City of Canandaigua has determined that the Saltonstall Street bridge over the Feeder Canal is in need of repair and resurfacing; and

WHEREAS, the entrance to the City’s property at 4620 County Road 46 also needs repairs and other upgrades; and

WHEREAS, the City issued a single Request for Proposals (RFP) for the engineering design services required to design both of these projects; and

WHEREAS, of four proposals were received on February 9th, 2023, with Lu Engineers, 280 East Broad St., Suite 170, Rochester, NY, submitted the lowest responsible bid for the scope of the project totaling \$32,400; and

WHEREAS, the City Manager and the Director of Public Works recommend a contract be awarded to Lu Engineers for engineering services to complete the design of the; and

WHEREAS, the recommendation was reviewed and approved at the March 21st, 2023 Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute an engineering services contract with Lu Engineers to complete the design of the repairs to the Saltonstall Street bridge over the Feeder Canal and the improvements to the entrance to the City’s property located at 4620 County Road 46.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-029:

Moved: Councilmember Ward 1 Polimeni

Seconded: Councilmember-at-Large Lyon

**A RESOLUTION AWARDING AN ENGINEERING SERVICES CONTRACT FOR THE
MAINTENANCE AND UPDATING OF LAKESHORE DRIVE OVER THE CANANDAIGUA
OUTLET**

WHEREAS, the City of Canandaigua has identified the need to do significant maintenance and updating of the Lakeshore Drive bridge over the Canandaigua Outlet; and

WHEREAS, the City issued a Request for Proposals (RFP) for the required engineering services to design the required construction work; and

WHEREAS, proposals were opened February 16, 2023, and of six proposals received, Hunt Engineering, located at 4 Commercial Street, Suite 300 in Rochester, NY submitted the lowest responsible bid for the scope of the project totaling \$28,750; and

WHEREAS, the City Manager and the Director of Public Works recommend a contract be awarded to Hunt Engineering for engineering services to complete the design of the maintenance and updating of the Lakeshore Drive bridge over the Canandaigua Outlet; and

WHEREAS, the recommendation was reviewed and approved at the March 21st, 2023 Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute an engineering services contract with Hunt Engineering to complete the design of the needed maintenance and updating of the Lakeshore Drive bridge over the Canandaigua Outlet.

Before the vote, Councilmember White asked to clarify if the sidewalks were being removed or if this was a plan to recommend a strategy. Councilmember Uebbing also expressed a similar concern noting how unsafe walking on the bridge can be. City Manager Goodwin said that this agreement will allow the engineers to make recommendations and a plan to update this area and the sidewalk may be removed and replaced, but will need to see the recommendations first.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-030:

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember Ward 3 White

A RESOLUTION APPROVAL OF JEFFERSON PARK MURAL DESIGNS

WHEREAS, City Parks and Recreation has partnered with local art teachers/artists, Courtney Austin and Stef Allison, for the Paints & Rec camp which will help beautify City Parks and the community with the installation of public art completed by local youth artists at City buildings and facilities; and

WHEREAS, this year Paints & Rec will take place at Jefferson Park and the designs for the murals and art work were presented and approved at the March 21st Planning Committee meeting;

NOW, THEREFORE BE IT RESOLVED by the City Council that the mural and art work designs, as attached hereto, are approved and maybe installed at Jefferson Park in substantially the same form; and

BE IT FURTHER RESOLVED that the City Council hereby expresses its appreciate to City Staff, Courtney Austin and Stef Allison for working together to improve City Parks with public art.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-031:

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember Ward 3 White

A RESOLUTION AWARDING A FOOD GRADE 99% PURE SODIUM CHLORIDE SUPPLY CONTRACT

WHEREAS, the Water Resource Recovery Facility (aka Wastewater Treatment Plant) will begin using food grade 99% pure sodium chloride in the newly constructed effluent disinfection system; and

WHEREAS, a bid opening occurred on March 30, 2023, to supply food grade 99% pure sodium chloride for the period April 1st, 2023, to October 31st, 2023, with two additional, mutually agreeable, one-year extension; and

WHEREAS, four bidders were contacted, but only one bid was received from US Salt, 1020 W. Black Dog Road, Burnsville, MN, at a unit price of \$240.00 per ton; and

WHEREAS, funding for this chemical usage is included in the adopted 2023 budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to US Salt, to supply sodium chloride;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with US Salt for the purchase of up to 234 tons of food grade 99% pure sodium chloride, at a unit price of \$240 per ton representing a total possible purchase price of \$56,160 during the 2023 calendar year; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to extend this contract for up to two additional, one-year, mutually agreed upon, periods, subject to the funding for those extensions being included in the corresponding adopted City budgets.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-032:

Moved: Councilmember-at-Large Covington

Seconded: Councilmember Ward 3 White

A RESOLUTION AWARDING A SODIUM BISULFITE SUPPLY CONTRACT

WHEREAS, the Water Resource Recovery Facility (aka Wastewater Treatment Plant) will begin using sodium bisulfite in the newly constructed effluent disinfection system; and

WHEREAS, a bid opening occurred on March 30, 2023, to supply sodium bisulfite for the period April 1st, 2023, to October 31st, 2023, with two additional, mutually agreeable, one-year extension; and

WHEREAS, four bidders were contacted, and two bids were received, with the lowest bid meeting all required specifications being submitted by Slack Chemical Co. Inc, of Carthage NY at a unit price of \$3.074 per gallon; and

WHEREAS, funding for this chemical usage is included in the adopted 2023 budget; and

WHEREAS, the Director of Public Works and the City Manager recommend the contract be awarded to Slack Chemical Co. Inc to supply sodium bisulfite;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute a contract with Slack Chemical Co. Inc for the purchase of up to 12,000 gallons of sodium bisulfite, at a unit price of \$3.074 per gallon, representing a total possible purchase price of \$36,888, during the 2023 calendar year; and

BE IT FURTHER RESOLVED, that the City Council hereby authorizes the City Manager to extend this contract for up to two additional, one-year, mutually agreed upon, periods, subject to the funding for those extensions being included in the corresponding adopted City budgets.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)*

***NOES:** None*

Resolution #2023-033:

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 4 Dittmar

A RESOLUTION AWARDING A CONTRACT FOR STREET MARKING AND PAINTING

WHEREAS, the 2023 Budget included funding to renew/repaint all street markings annually; and

WHEREAS, City Staff identified firms that would likely beat the pricing outlined in the Ontario County bid and thus bid the service out for the City; and

WHEREAS, bids were opened on February 17, 2023 with two bids received and the lowest responsible bid received Shuttleworth, 1437 Rtes. 5&20, Geneva, NY, for a total cost of \$93,710.00; and

WHEREAS, the City Manager and Director of Public Works recommended awarding the contract to Shuttleworth, and said recommendation was reviewed at the April 4th, 2023 Finance Committee meeting; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards a contract for Street Marking and Painting to Shuttleworth, 1437 Rtes. 5&20, Geneva, NY, for a total cost of \$93,710.00.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-034:

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember Ward 1 Polimeni

A RESOLUTION DECLARING USED AND UNWANTED CITY VEHICLES AND EQUIPMENT SURPLUS

WHEREAS, there exists used and unwanted vehicles and equipment, so noted on the list below, that are no longer essential to the operations of the City of Canandaigua; and

WHEREAS, it is necessary to declare as surplus the vehicles and equipment on the attached list such that they may be sold at public auction, via sealed bid, or as trade-ins; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Canandaigua hereby declares as surplus the vehicles and equipment contained on the below list and they are to be sold to the highest bidder at a public auction, through sealed bids or to be traded-in on future equipment purchases pursuant to City and State purchasing guidelines.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-035:

Moved: Councilmember-at-Large Sutton

Seconded: Councilmember-at-Large Uebbing

A RESOLUTION DETERMINING ENVIRONMENTAL SIGNIFICANCE PURSUANT TO SEQRA FOR THE PROPOSED SLUDGE COLLECTION SYSTEM AND SETTLING TUBE IMPROVEMENTS AT THE WATER TREATMENT PLANT

WHEREAS, the City of Canandaigua desires to make improvements to the City's Water Treatment Plant; and

WHEREAS, the City is obligated under the State Environmental Quality Review Act (SEQRA) to review the potential environmental impacts associated with the project; and

WHEREAS, the Canandaigua City Council is the appropriate agency to be the lead agency to undertake the project review under SEQRA because it is the only approving authority and there are no other involved or interested agencies; and

WHEREAS, the Proposed Sludge Collection System and Settling Tube Improvements have been determined to be a Type II Action under §617.5(c)(2) of SEQRA which states that replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes is a Type II Action unless such action meets or exceeds any of the thresholds in Section 617.4 of this Part (which this project does not);

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby classifies the Proposed Sludge Collection System and Settling Tube Improvements as a Type II Action under § 617.5(c)(2) of SEQRA; and

BE IT FURTHER RESOLVED, Type II Actions are not subject to further review under §617 of SEQRA; and

BE IT FURTHER RESOLVED, the City Council in making this classification has satisfied the procedural requirements under SEQRA and directs this Resolution to be placed in the file on this Action.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-036:

Moved: Councilmember-at-Large Uebbing

Seconded: Councilmember-at-Large Sutton

BOND RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK (THE “CITY”), AUTHORIZING THE ISSUANCE OF \$1,500,000 SERIAL BONDS OF THE CITY TO FINANCE CERTAIN IMPROVEMENTS TO THE CITY’S WATER TREATMENT PLANT

WHEREAS, the City Council of the City of Canandaigua, Ontario County, New York (the “City”) proposes to authorize the issuance of \$1,500,000 in serial bonds of the City to undertake certain improvements to the City’s Water Treatment Plant, as set forth and described in a certain engineering report as prepared by MRB Group Engineering, Architecture, Surveying P.C. (the “Engineer”) and dated November 2022 (the “Project”) at the direction of the City Council and on file with the City Clerk’s office, all at a total estimated maximum cost of \$1,500,000; and

WHEREAS, the City Council now wishes to appropriate funds for such certain improvements to the City’s Water Treatment Plant and to authorize the issuance of the City’s bonds and bond anticipation notes to be issued to finance said appropriation.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CANANDAIGUA, ONTARIO COUNTY, NEW YORK HEREBY RESOLVES (by the affirmative vote of not less than two-thirds of all the members of such body), **AS FOLLOWS:**

SECTION 1. The City is hereby authorized to undertake the Project consisting of certain improvements to the City’s Water Treatment Plant, as set forth and described in a certain engineering report as prepared by MRB Group Engineering, Architecture, Surveying P.C. (the “Engineer”) and dated November 2022, and to issue up to

\$1,500,000 principal amount of serial bonds (including, without limitation, statutory installment bonds) pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (the "Law") to finance the estimated cost of said specific object or purpose, or bond anticipation notes in anticipation of the such bonds.

SECTION 2. It is hereby determined that the maximum estimated cost of the aforementioned specific object or purpose, including all costs incidental thereto or in connection with the financing thereof, is \$1,500,000, and said amount is hereby appropriated therefor and the plan for the financing thereof shall consist of (i) the issuance of \$1,500,000 in serial bonds of the City authorized to be issued pursuant to this resolution or bond anticipation notes issued in anticipation of such bonds, (ii) the application of any federal or state grant monies received by the City with respect to such project to either directly pay or reimburse the costs thereof, and (iii) the levy and collection of taxes on all the taxable real property in the City to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

SECTION 3. It is hereby determined that the period of probable usefulness for the aforementioned specific object or purpose is forty (40) years, pursuant to subdivision 1. of paragraph a. of Section 11.00 of the Law.

SECTION 4. The temporary use of available funds of the City, not immediately required for the purpose or purposes for which the same were borrowed, raised or otherwise created, is hereby authorized pursuant to Section 165.10 of the Law, for the capital purposes described in this resolution. This resolution shall constitute a declaration of "official intent" to reimburse the expenditures as part of the projects described herein with the proceeds of the bonds and bond anticipation notes authorized herein, as required by United States Treasury Regulation Section 1.150-2.

SECTION 5. Each of the serial bonds authorized by this resolution and any bond anticipation notes issued in anticipation of said bonds shall contain the recital of validity prescribed by Section 52.00 of the Law and said serial bonds and any bond anticipation notes issued in anticipation of said bonds shall be general obligations of the City, payable as to both principal and interest by a general tax upon all the real property within the City without legal or constitutional limitation as to rate or amount. The faith and credit of the City are hereby irrevocably pledged to the punctual payment of the principal and interest on said serial bonds and bond anticipation notes and provisions shall be made annually in the budget of the City by appropriation for (a) the amortization and redemption of the bonds and bond anticipation notes to mature in such year and (b) the payment of interest to be due and payable in such year.

SECTION 6. Subject to the provisions of this resolution and of the Law, pursuant to the provisions of Section 30.00 relative to the authorization of the issuance of bond anticipation notes or the renewals of said obligations, and of Section 21.00, Section 50.00, Section 54.90, Sections 56.00 through 60.00, Section 62.10 and Section 63.00 of the Law, the powers and duties of the City Council relative to authorizing bond anticipation notes and prescribing the terms, form and contents as to the sale and issuance of bonds herein authorized, including without limitation the determination of whether to issue bonds having substantially level or declining debt service and all matters related thereto, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, are hereby delegated to the City Treasurer, the chief fiscal officer of the City. Such bonds shall be of such terms, form and contents as may be prescribed by said City Treasurer consistent with the provisions of Local Finance Law. Further, in connection with bonds and bond anticipation notes issued under the authority of Section 1 hereof, the power to contract with and issue bonds and bond anticipation notes to the New York State Environmental Facilities Corporation pursuant to Section 169.00 of the Law and to approve the terms, form and content of such bonds and bond anticipation notes, consistent with the provisions of the Law, is hereby delegated to the City Treasurer. Further, pursuant to subdivision b. of Section

11.00 of the Law, in the event that bonds to be issued for one or more of the objects or purposes authorized by this resolution are combined for sale, pursuant to subdivision c. of Section 57.00 of the Law, with bonds to be issued for one or more objects or purposes authorized by this resolution or other resolutions of the City Council, then the power of the City Council to determine the “weighted average period of probable usefulness” (within the meaning of subdivision a. of Section 11.00 of the Law) for such combined objects or purposes is hereby delegated to the City Treasurer, as the chief fiscal officer of the City.

SECTION 7. The City Treasurer is hereby further authorized, at his sole discretion, to execute a project financing and loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific objects or purposes described in Section 1 hereof, or a portion thereof, by a serial bond, and, or a bond anticipation note issue in the event of the sale of same to the New York State Environmental Facilities Corporation.

SECTION 8. The City Treasurer is hereby further authorized to take such actions and execute such documents as may be necessary to ensure the continued status of the interest on the bonds authorized by this resolution and any notes issued in anticipation thereof, as excludable from gross income for Federal income tax purposes pursuant to Section 103 of the Internal Revenue Code of 1986, as amended (the “Code”) and to designate the bonds authorized by this resolution and any notes issued in anticipation thereof, if applicable, as “qualified tax-exempt bonds” in accordance with Section 265(b)(3)(B)(i) of the Code.

SECTION 9. The City Treasurer is further authorized to enter into a continuing disclosure undertaking with or for the benefit of the initial purchaser of any of the bonds or notes authorized by this resolution in compliance with the provisions of Rule 15c2-12, promulgated by the Securities and Exchange Commission pursuant to the Securities Exchange Act of 1934.

SECTION 10. The City Council hereby determines that the projects described herein, both individually and collectively, constitute a “Type II” action within the meaning of the State Environmental Quality Review Act and the regulations of the New York State Department of Environmental Conservation thereunder (collectively, “SEQRA”) and therefore no further action under SEQRA is required with respect to the projects or the financing thereof.

SECTION 11. The intent of this resolution is to give the City Treasurer sufficient authority to execute those applications, agreements, instruments, or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds or bond anticipation notes without resorting to further action of this City Council.

SECTION 12. The validity of the bonds authorized by this resolution and of any bond anticipation notes issued in anticipation of said bonds may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the City is not authorized to expend money; or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication; or

(c) such obligations are authorized in violation of the provisions of the constitution.

SECTION 13. This resolution shall take effect immediately and the City Clerk is hereby authorized and directed to publish the foregoing resolution in full, or a summary thereof, together with a notice attached in substantially the form as prescribed in Section 81.00 of the Law, in the official newspaper(s) of the City (a) for such publication, and (b) for the publication of the notice of sale in connection with any bonds issued pursuant to this resolution.

Before the vote, Councilmember Uebbing asked the City Manager to clarify if tax payers will feel any impact from this resolution. City Manager Goodwin said no, the tax payers will not feel any impact.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-037:

Moved: Councilmember Ward 1 Polimeni

Seconded: Councilmember-at-Large Uebbing

A RESOLUTION CREATING LIENS UPON CERTAIN CITY PROPERTIES FOR WATER AND SEWER FEES, SOLID WASTE COLLECTION FEES AND CODE ENFORCEMENT AND FIRE INSPECTION ARREARS

WHEREAS, Chapter 14.18 of the City of Canandaigua Charter and Section 452.4 of the General Municipal Law authorizes the creation of property tax liens for delinquent water and sewer charges; and

WHEREAS, Chapter 292-4 B and Chapter 748-84 of the City of Canandaigua Municipal Code authorize the creation of tax liens for delinquent charges for services performed by the City of Canandaigua Code Enforcement Department and unpaid inspection fees; and

WHEREAS, Chapter 600-12 F of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent snow removal fees for work performed by the City of Canandaigua Department of Public Works; and

WHEREAS, Chapter 714-31 B of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent fire inspection fees for inspections performed by the City of Canandaigua Fire Department; and

WHEREAS, Chapter 585-12 F(3) of the City of Canandaigua Municipal Code authorizes the creation of tax liens for delinquent solid waste collection fees; and

WHEREAS, at this date several such outstanding invoices in arrears exist on the City records which are detailed in the attached statement; and

WHEREAS, the property owners on the attached list have been notified of the delinquent charges by the City of Canandaigua Treasurer's Office; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby creates liens on the properties listed on the attached statement; and

BE IT FURTHER RESOLVED, that said liens shall be added to the City's tax roll and enforced in the same manner as other City taxes as maybe permitted by local and State law.

Before the vote, Councilmember Unrath mentioned for residents to look into the CAPS program and explained that Water Bills are able to be paid by draft through CAPS.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)*

***NOES:** None*

Resolution #2023-038:

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember Ward 4 Dittmar

A RESOLUTION ESTABLISHING A PETTY CASH FUND FOR KERSHAW PARK

WHEREAS, cash funds in the amount of four- hundred dollars (\$400) are needed for non-resident admission to the beach area at Kershaw Park during the summer season; and

WHEREAS, Heather Pogue, Recreation Supervisor, will be the sole concessionaire for these funds;

NOW, THEREFORE, BE IT RESOLVED by the City Council hereby authorizes the City Manager to establish a petty cash fund from the General Fund in the amount of four- hundred dollars (\$400) for use at Kershaw Park during the summer season of 2023.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)*

***NOES:** None*

Resolution #2023-039:

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember Ward 1 Polimeni

A RESOLUTION APPROPRIATING FUNDING FROM THE POLICE ASSET SEIZURE & FORFEITURE RESERVE

WHEREAS, the City Council adopted Resolution #2023-017 that approved the appropriation of \$10,542 from the Technology Fund for the purpose of updating the City's camera radio system to ensure compliance with Federal rules and regulations; and

WHEREAS, anticipated revenue for the Technology Fund has been delayed due to a dispute and as such, there will be a negative fund balance within the Technology Fund and the appropriation approved in Resolution #2023-017 cannot be made; and

WHEREAS, the camera system is primarily used by the Police Department and 911 Center as a tool to enhance law enforcement and public safety activities and as such fund from the Police Asset Seizure & Forfeiture Reserve can be utilized to fund this project; and

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby rescinds the appropriation made via Resolution #2023-017 and appropriates \$10,542 from the Police Asset Seizure & Forfeiture Reserve for the purpose of updating the City's camera radio system to ensure compliance with Federal rules and regulations.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)*

***NOES:** None*

Resolution #2023-040:

Moved: Councilmember Ward 4 Dittmar

Seconded: Councilmember Ward 1 Polimeni

**A RESOLUTION AWARDING A CONTRACT FOR
FIRE STATION NO. 1 OVERHEAD DOOR REPLACEMENT**

WHEREAS, the need to replace the overhead doors at fire station no. 1 was identified through routine maintenance of the existing overhead doors over the past few years; and

WHEREAS, bids were opened on March 24, 2023 with one vendor responding with a bid, Tri-Co Overhead Door, 55 Alliance Drive, Rochester, NY, with a base bid of \$77,777 for the replacement of the seven overhead doors, and a bid of \$12,600 for the alternate paint item; and

WHEREAS, the Director of Public Works and City Manager recommend awarding the contract for both items to Tri-Co Overhead Door, and said recommendations were reviewed and approved at the April 4th 2023, Finance Committee meeting; and

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards a contract for the Fire Station No. 1 Overhead Door Replacements to Tri-Co Overhead Door for a total amount of \$90,377.

The motion CARRIED UNANIMOUSLY on the following vote:

***AYES:** Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)*

***NOES:** None*

Resolution #2023-041:

Moved: Councilmember Ward 2 Unrath

Seconded: Councilmember-at-Large Lyon

A RESOLUTION AWARDING A CONTRACT FOR WATER DISTRIBUTION SYSTEM AND WASTEWATER COLLECTION SYSTEM PARTS

WHEREAS, on March 24th, 2023 the Department of Public Works opened bids for a variety of water distribution system and wastewater collection system parts including pipe, fittings, valves, hydrants, etc. required to complete various upcoming projects and maintain City infrastructure; and

WHEREAS, three vendors responded to the solicitation, with Core and Main, 1220 Brighton Henrietta Townline Road, Rochester, NY, offering the lowest responsible bid for all of the requested materials, with a total cost of \$39,716.60; and

WHEREAS, City Staff deems it in the best interest of the City to award the purchase of the requested materials to Core and Main; and

WHEREAS, funding for these purchases was distributed across several operational expense and capital accounts included in the City of Canandaigua 2023 Adopted Budget;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby awards the 2023 purchase of water distribution system and wastewater collection system parts to Core and Main, 1220 Brighton Henrietta Townline Road, Rochester, NY.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-042:

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember Ward 2 Unrath

A RESOLUTION AWARDING AN ENGINEERING SERVICES CONTRACT FOR GEOGRAPHICAL INFORMATION SYSTEMS CONSULTING SERVICES

WHEREAS, the City of Canandaigua is pursuing a program to develop a working Geographical Information System (GIS); and

WHEREAS, in 2023 the City is moving forward with a concerted data collection effort; and

WHEREAS, the collected data must be properly stored in custom data bases to make the resulting GIS system functional; and

WHEREAS, the City staff does not have the technical expertise to assemble the needed data bases and related digital files and interfaces; and

WHEREAS, the City advertised for proposals for consultants to provide the needed technical services to assist the City with this initial development of the GIS system; and

WHEREAS, proposals were received on March 24, 2023, with five firms submitting proposals, with Fisher Associates, 180 Charlotte Street, Rochester, NY, submitting the low cost proposal of \$30,000; and

WHEREAS, the Director of Public Works and the City Manager recommended to the Finance Committee, at their meeting of April 4th, 2023, that this contract be awarded to Fisher Associates;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby authorizes the City Manager to execute an engineering services contract with Fisher Associates to provide GIS consulting services in accordance with the published Request for Proposals and Fisher Associates response to that request.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-043:

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember Ward 2 Unrath

A RESOLUTION AUTHORIZING A SPECIAL EVENT

Lakeshore Mile

WHEREAS, the City Council of the City of Canandaigua has received the following application for a special event in the City of Canandaigua:

- *Lakeshore Mile*

Date: August 20, 2023

Location: City Pier, Lakeshore Drive, Kershaw Park

Coordinator: Abbie Sullivan and AJ Beer

Time: 8:30 AM to 10 AM

Purpose: Bring attention to the business district & raise awareness for water quality

Expected Number of Participants: ~200

WHEREAS, this request was reviewed at the April 4th Finance Committee meeting;

NOW, THEREFORE, BE IT RESOLVED that City Council hereby grants permission to hold the abovementioned special event at the time and location listed under the following conditions:

1) that no fee or admission shall be charged to the general public for admission to the special event; and

2) that alcoholic beverages are not permitted to be sold or consumed on public property; and

3) that if the event coordinators intend to place any signs in the Main Street median, such signs shall only be allowed by permit of New York State Department of Transportation; and

4) that the event coordinator will ensure that all tents that are required to be inspected will be inspected prior to the start of the special event; and

BE IT FURTHER RESOLVED that the organizer of the Special Event shall adhere to any regulations that the City Manager and the City Police Department establish to insure the health and safety of Canandaigua residents and visitors throughout these events.

Before the vote, Councilmember Sutton asked about the event and who the organization was raising money for and inquired on how to ensure the funds raised actually reach the organization. She said that this is an area of concern for all the events that are approved to ensure the funds are going where they should. Councilmembers agreed that this is an area to explore for the future.

Vote Result: Carried unanimously by voice vote (9-0)

Resolution #2023-044:

Moved: Councilmember Ward 1 Polimeni

Seconded: Councilmember Ward 2 Unrath

**A RESOLUTION AUTHORIZING A LICENSE AGREEMENT FOR
USE OF THE CENTRAL ON MAIN**

WHEREAS, Simply Crêpes proposed managing The Central on Main on Saturday nights to attract more people to Downtown with bigger draw bands; and

WHEREAS, the proposal involves a license agreement with Simply Crêpes for Saturday nights from 5 PM to 10 PM from May 20th to September 9th and being responsible for marketing, managing guest experience, contracting with bands, managing the bar including alcoholic beverages, trash removal and providing insurance coverage; and

WHEREAS, Simply Crêpes will also charge a cover to pay for bands/entertainment; and

WHEREAS, the license shall be revocable with a term of one (1) year at a fee of 5% of gross revenues from all participating establishments with a minimum fee of \$2,500;

NOW, THEREFORE, BE IT RESOLVED, that City Council hereby authorizes the City Manager to execute a revocable license agreement in substantially the same form as attached hereto, with Simply Crêpes for a term of one (1) year at a fee of 5% of gross revenues from all participating establishments with a minimum fee of \$2,500.

Before the vote, Councilmember Sutton noted that there wasn't a list of the bands or any of the details about the bands coming as part of this agreement. City Manager Goodwin noted that they can request the details and that this is new territory for all. Councilmember Uebbing agreed and would like to see more of the specific details ahead of time to work though any security concerns or other potential issues that this change may bring.

The motion CARRIED UNANIMOUSLY on the following vote:

AYES: Councilmember Ward 1 Polimeni, Councilmember Ward 2 Unrath, Councilmember Ward 3 White, Councilmember Ward 4 Dittmar, Councilmember-at-Large Lyon, Councilmember-at-Large Covington, Councilmember-at-Large Lyon, Councilmember-at-Large Sutton, Councilmember-at-Large Uebbing and Mayor Palumbo. (9-0)

NOES: None

Resolution #2023-045:

Moved: Councilmember-at-Large Lyon

Seconded: Councilmember-at-Large Sutton

A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON IMPLEMENTING A SIX MONTH MORATORIUM RELATED TO APPROVALS FOR SHORT-TERM RENTALS

WHEREAS, Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law require a public hearing on a proposed local law;

NOW, THEREFORE, BE IT RESOLVED, by City Council that a public hearing on a local law implementing a six (6) month moratorium related to approvals for short-term rentals in R-1A, R-1B, R-2, R-3 and R-L Zoned Districts shall be held in the City Council Chambers, Hurley Building, 205 Saltonstall Street, Canandaigua, New York and virtually at <https://us06web.zoom.us/j/82103183289> during the City Council meeting beginning at 7:00 p.m. on Thursday, May 4, 2023; and

BE IT FURTHER RESOLVED, that the City Clerk shall cause notice to be given as required by Section 3.14 of the Canandaigua City Charter and Section 20 of the Municipal Home Rule Law.

Before the vote, Councilmember White asked about any pending applications. Corporation Counsel David Hou noted that pending applications are not affected. City Manager Goodwin said that if residents are still wanting to apply, they can and the pipeline of applications are being accepted until June and from there any changes to the local law wouldn't be affected until 60 days after.

Vote Result: Carried unanimously by voice vote (9-0)

Ordinances:

Ordinance #2023-003: *Councilmember-at-Large Sutton motioned to table the ordinance, seconded by Councilmember-at-Large Lyon. unanimously carried and passed by voice vote. (9-0)*

**AN ORDINANCE AMENDING CHAPTER 585
SOLID WASTE**

WHEREAS, the City of Canandaigua is making changes to its solid waste collection program and certain amendments are required to facilitate these changes; and

NOW, THEREFORE, BE IT ENACTED by the City Council of the City of Canandaigua that:

Sec. 1 Chapter 161 of the Municipal Code, is hereby amended as attached (additions in **bold**, deletions **stricken**); and

Sec. 2 This ordinance shall be effective thirty (30) days following its enactment.

Local Laws:

Local Law # 2023-001: Councilmember-at-Large Uebbing motioned to table the Local Law, seconded by Councilmember-at-Large Sutton, unanimously carried and passed by voice vote. (9-0)

A LOCAL LAW AMENDING CHAPTER 612 OF THE CITY OF CANANDAIGUA CODE, TO ADD A NEW ARTICLE XI, ENACTING A PROPERTY TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS AND AMBULANCE WORKERS PURSUANT TO SECTION 466-a OF THE REAL PROPERTY TAX LAW.

BE IT ENACTED, by the City Council of the City of Canandaigua, Ontario County, State of New York, as follows:

Section 1. Authorization, Title and Purpose:

A new Article XI of Chapter 612 of the City of Canandaigua Code, entitled “Volunteer Firefighters and Ambulance Workers Exemption” is hereby enacted pursuant to Real Property Tax Law Section 466-a as provided herein.

Section 2. Legislative Finding

The City Council of the City of Canandaigua finds and hereby determines that, because the City values its volunteer firefighters and ambulance workers, a property tax exemption for volunteer firefighters and ambulance personnel shall be established in accordance with New York Real Property Tax Law Section 466-a.

Section 3. Amendment.

A new Article XI, entitled, “Volunteer Firefighters and Ambulance Workers Exemption” shall be created, and thereunder the following new Sections shall be created as follows:

§ 612-59 Grant of Exemption.

An exemption of 10% of assessed value of property owned by an enrolled member as set forth below, or such enrolled member and their spouse, is hereby granted from taxation with respect to the real property taxes of the City of Canandaigua as long as eligibility requirements are met.

§ 612-60 Eligibility Requirements.

Such exemption shall be granted to an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service provided that:

- A. The property is owned by the volunteer firefighter or volunteer ambulance worker;
- B. The property is the primary residence of the volunteer firefighter or volunteer ambulance worker;
- C. The property is used exclusively for residential purposes and any portion of the property that is not used exclusively as the primary residence is not entitled to this exemption;
- D. The volunteer firefighter or volunteer ambulance worker resides in the City and the City is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;
- E. The volunteer firefighter or volunteer ambulance worker is certified as an enrolled member of such an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; and
- F. The volunteer firefighter or volunteer ambulance worker meets the minimum service requirement established by the City, which is hereby established as two years.

§ 612-61 Application.

A volunteer firefighter or volunteer ambulance worker must annually, on or before the applicable taxable status date, file an application for such property tax exemption with the City Assessor, on a form as prescribed by the New York State Commissioner of Taxation and Finance. The City must provide written eligibility requirements and guidelines, available upon request, as to the requirements of an enrolled

volunteer member relating to this exemption.

§ 612-62 Certification.

The City must annually file with the assessor, prior to the applicable taxable status date, a list of the active volunteer members who are certified to meet the minimum service requirement. Such list must provide, as of the applicable taxable status date, the number of years of service served by each such enrolled member and such enrolled member's address of residence.

§ 612-63 No Diminution of Benefits

An applicant who is receiving any benefit pursuant to Article 4 of the Real Property Tax Law as of the effective date of this Article shall not have any of those benefits diminished because of this Article.

§ 612-64 Grant of Lifetime Exemption.

Any eligible enrolled member who accrues more than twenty (20) years of active volunteer service (as certified by the authority having jurisdiction) shall be granted the 10% exemption as authorized by this Article for the remainder of his or her life as long as his or her primary residence is located within the City.

§ 612-64 Un-remarried Spouse of Enrolled Member Killed in the Line of Duty.

The un-remarried surviving spouse of a deceased enrolled member killed in the line of duty, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least five years and had been receiving the exemption at the time of his or her death.

§ 612-65 Un-remarried Spouse of Deceased Enrolled Member.

The un-remarried surviving spouse of a deceased enrolled member, as certified by the authority having jurisdiction, is qualified to continue to receive an exemption, as long as the deceased volunteer had been an enrolled member for at least twenty (20) years and the deceased volunteer and un-remarried spouse had been receiving the exemption at the time of his or her death.

Section 4. Validity and Severability Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section F. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the City of Canandaigua which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section G. Effective Date

This Local Law shall take effect immediately upon filing in the office of the Secretary of State in accordance with Municipal Home Rule Law Section 27.

Local Law # 2023-002: *Councilmember-at-Large Lyon motioned to table the Local Law, seconded by Councilmember-at-Large Sutton, unanimously carried and passed by voice vote. (9-0)*

IMPLEMENTING A SIX MONTH MORATORIUM RELATED TO APPROVALS FOR SHORT-TERM RENTALS IN R-1A, R-1B, R-2, R-3, AND R-L ZONED DISTRICTS.

WHEREAS, the City Council most recently enacted an ordinance regulating short-term rentals on September 14, 2018, through Ordinance 2018-010; and

WHEREAS, at the City Council’s Planning Committee meeting of April 5, 2023; the City Council heard recommendations from the Planning Commission and the Zoning Board of Appeals regarding the regulation of short-term rentals; and

WHEREAS, the Planning Committee of the City Council endorsed further consideration of amending the short-term rental ordinance; and

WHEREAS, the City Council believes that no new short-term rentals should be approved in residentially zone districts until the current ordinance is amended,

NOW, THEREFORE, BE IT RESOLVED by the Canandaigua City Council as follows:

Section 1. Legislative Intent and Authority.

This local law is enacted pursuant the authority granted by New York State Municipal Home Rule Law Section 10. The Canandaigua City Council has determined that the current short-term rental ordinance may not adequately regulate short-term rentals, in particular in residentially zoned districts; that the existing ordinance requires additional review and/or revision; and that it would be in the best interest of the protection, order, conduct, safety, health and well-being of the persons and property in the City to adopt a moratorium on new applications for short-term rental uses in residentially zoned districts in order to preserve the status quo during this period of review until appropriate legislation is enacted or it is determined that no further legislation is needed.

Section 2. Moratorium Scope and Timing.

There shall be a six-month moratorium on any applications for short-term rentals in the R-1A, R-1B, R-2, R-3, and R-L zoned districts, measured from the effective date of his local law. During the moratorium period, no applications for short-term rental uses in such districts shall be accepted by the City. This moratorium shall not apply to any such applications accepted prior to the effective date of this local law.

Section 3. Validity and Severability.

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section 4. Repeal, Amendment and Supersession of Other Laws.

All other ordinances or local laws of the City of Canandaigua which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section 5. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.

Manager's Report: City Manager Goodwin noted that Denise Chaaple from the BID was unable to attend tonight and asked him to report on the upcoming grand opening of Mighty Boba. Right now, the location is open for business but planning an event for later this month. Councilmember Uebbing asked about the opening for the Hotel Canandaigua. City Manager said it is tentatively scheduled to open around on May 18th and that the 4th and 5th floors are being occupied with residents.

Miscellaneous: Mayor Palumbo called on Councilmember Sutton who asked about the Kershaw Park Concessions RFP. City Manager Goodwin noted that the lone applicant was rejected for a few reasons. Councilmember Sutton noted that during the January meeting when this was discussed and no action was taken, as City Manager Goodwin discussed alternative use for the space. She noted that at the time of the meeting, Council had decided to keep the status quo and use the intervening year to evaluate the vendor. She was concerned because of the vote that rejected the bid, she understands and received the email from the City Manager with the details but is concerned what the lack of a vendor may mean. She also expressed concern over not understanding the alternate uses for the space itself or if there is another vendor that may apply. She was surprised to see that the RFP was not on the agenda for tonight. City Manager Goodwin said there is a potential other vendor and has reached out to area organizations that may also want the opportunity. He agrees with Councilmember Sutton that the intent was to have the concessions for the season again and not use the space for an alternate use, however, one bid was received and it was rejected. Councilmember Lyon said the vendor was rejected for a few issues and he agrees with that decision.

Adjournment: Councilmember Ward 1 Polimeni motioned to adjourn the meeting into Executive Session to discuss matters pertaining to an employee, seconded by Councilmember-at-Large Covington. Unanimously passed and carried by voice vote (9-0) at 8:40 pm.

**APPENDIX A
MINUTES
PLANNING COMMITTEE & FINANCE COMMITTEE
TUESDAY, APRIL 4, 2023
COUNCIL CHAMBERS
HURLEY BUILDING, 205 SALTONSTALL STREET
VIRTUAL: <https://us06web.zoom.us/j/84662898580>
LIVE STREAM: <https://fingerlakestv.org/live/>**

Planning Committee: Thomas Lyon, Chair
Ellen Polimeni
Steve Uebbing
Dan Unrath

Other Councilmembers Present: Sim Covington, Jr.
Renee Sutton
Karen White
Erich Dittmar
Mayor Palumbo

City Staff: John Goodwin, City Manager

Nancy Abdallah, City Treasurer
David Hou, Corporation Counsel
James Sprague, Director of Public Works
Richard Brown, Director of Planning/Development

Zoning Board of Appeals:

Roger Brazill
Julie Harris
John Roberts
Joe Bader, Chairman

City Planning Commission:

Stanley Taylor, Chairman
Anne Beyer
Richard Manley
Guy Turchetti
James Hitchcock
Bonnie Dorschel

Necessarily Absent:

Lindsay Van Deusen

Chair Lyon opened the meeting, welcomed all the members present and reviewed the only agenda item, Short-term Rentals, he introduced Rick Brown, Director of Planning and Development who reviewed the details. Mr. Brown reviewed that both Commissions had met with the Ordinance Committee few weeks ago, to review the issues with Short-term Rentals but felt a broader discussion with more time was needed. He reviewed the background, the City Council passed the Short-term Rentals Ordinance in 2018 and to date they have had 30 applications, but more recently have been seeing an increase in applications, which has led to some confusion on the part of both commissions interpreting the ordinance when reviewing applications. They both were reviewing patterns that were coming forward in applications and decisions that were being made. They requested meetings to review the law. Joint meetings were held in January and February. They were able to come to a number of recommendations, potential changes to the ordinance that the Committee will be asking City Council to consider. Chair Lyon asked Mr. Brown to summarize the recommendations. Mr. Brown noted, to redefine “short-term rental” and “Bed and Breakfast” more clearly in the ordinance. He cites, for years the City has had Bed and Breakfast or a Tourist home in the area, and that is a form of a short-term rental as it stands. Both commissions have been seeing a mix of applications that are both non-hosted and hosted short-term rentals, making their decisions more difficult with the current definition. Both commissions have wrestled with the definitions and would like some additional clarity. The primary residence requirements have hampered both boards and they are looking to potentially eliminate the requirement. The commissions would also like Council to consider establishing a Short-Term Rental permit that is revocable when the property is sold or transferred to another owner. Currently, by New York State Law, property owners that have a short-term rental permit, stays with the property when it is sold or transferred. They would like to see either some kind of non-transferrable permit for when this happens. Mr. Brown said that the commission are looking into potentially reducing the residential zoning districts where short-term rentals are permitted. They have run into issues with un-hosted short-term rentals in residential districts. They have had issues when the property and the property is owner’s primary residence and given the zoning district, the planning commission has been given the authority to make a determination of compatibility. They have found where un-hosted short-term rentals are not compatible with residential neighborhoods and have been denying those applications. They are recommending that un-hosted short-term rentals not be permitted in residential neighborhoods, essentially limiting them to commercial or mixed-use space or potentially creating a district for these applications. They have spent a great deal of time working together on these recommendations and the recommendations are very

detail and they are looking for Council's feedback. Chair Lyon asked to confirm the bed and breakfast would be allowed within all the current residential areas. Mr. Brown reiterated that a Bed and Breakfast is a hosted primary residence where only the rooms within the home are rented, as opposed to a single-family home that is rented, un-hosted and is not potentially the primary residence of the owner. Mr. Bader, Chair of the Zoning Board explained that with their application process, they have faced challenges in deciding with the primary residence question, if it will change the character of the home. Their votes have been very tight in making decisions and the challenge with the definition of the primary residence as it stands now, is an issue. He cites an example of someone having a multi-family home with a primary resident on one side of the home, does this mean they can rent out the other apartments while living on the property just not at the same physical address. Mr. Brown said that when it was added by Council, the idea behind this was having a single-family home, who's owner may live in the home 10 months out of the year and only rent two months. In all the applications they have not see this scenario. Mr. Brazil, said this is the biggest example of what they are seeing between hosted and un-hosted rentals. With primary residence is it one thing with an un-hosted rental it is another. Councilmember Uebbing thanked all the commission members for their time and effort in creating these recommendations. He thinks it is very important to keep the R-1 districts as residential and still allow for the short-term rentals in districts of their own. He does like the idea of an overlay district potentially. Councilmember Polimeni, said she appreciates the hard work the commissions have done on these issues. She likes the idea of revocable permit as a changeable license structure. She wants to take a closer look at the definitions as part of the recommendations as well as the overlay district. Stanley Taylor, Chairman of the Planning Commission, said that the City was lucky that we can this ordinance to begin with as many across the State do not. They are seeing such an increase in application and each application has taken significant time to come to a decision and some of the applications have take a couple of meetings for the Commission to come to the decision. He is advocating for modifications to the law and hoping that Council will dive into these issues, he is hoping that the approval process of the rental will become a revocable permit, to stop the ability to transfer the permit with the sale of the property. Councilmember Unrath said that he tries to attend all the meetings he can for both commissions, he was in favor of all the short-term rental and asked City Manager what the occupancy tax rate is, Goodwin responded that it is 3%. The County receives 4% for short-term rentals. He does like the proposed changes based on the conversation he is hearing and agrees this is not an easy issue. Councilmember Sutton wanted to bring up the safety issue with short-term rental ordinance, that every rental, would be inspected and offered safe logging to the people renting. She feels that adding an overlay district that people will still go underground and not report their property as a short-term rental. She is concerned that if the overlay district takes off, people will continue to rent out their homes from places like Airbnb without being subject to regulation. Mr. Taylor, said while he did not work on the original ordinance, the idea was for people to be able to rent their properties occasionally and that's not what they are finding. Mr. Brazill, addressed Councilmember Sutton's comments and said that driving landlords underground is already happening, people are listing their properties on Airbnb and are not applying for the variance. They just reviewed a case where this exact scenario happened at their last meeting. The Mayor thanked the commission for their work and agrees with Mr. Taylor, that our housing stock is going to short-term rentals and that people are buying homes just to turn them into short-term rentals. He is asking if the recommendations would make their lives a little easier in making these decisions. Mr. Brown said yes, it would as it would take the Zoning Board out of the mix all together. Mr. Bader said that that they do not get to hear the presentation on why this property would make a good short-term rental, they are approving or disproving based on the variance of the primary residence. The questions the state tell us to run down, does not address the primary residence. Just to place the primary residence on the zoning is very tough, when they are reviewing for whether or not it changes the character of the neighborhood. Councilmember Uebbing looked into the number of Airbnb in Canandaigua and was happy to see the majority were in the Town of Canandaigua and believe making the overlay district is a good opportunity to restrict the area that short-terms rentals would be, so it is not totally wide open, where he is opposed. Councilmember Unrath agrees with Councilmember Uebbing. He wants tourists to be able to come to Canandaigua and experience the area, but limiting the area is a good idea. Councilmember White asked if

this was wise to have in Zoning so if it wasn't a zoning issue and stays with Planning, there would be no adjustment to the property. She likes the idea of a revocable permit with oversight but is concerned with enforcement. She might consider a cap on the number of requests but is concerned with the overlay district. Mr. Thorsten Rhode and served on Planning for ten years, said First, the idea that communities are turning into Airbnb communities, having just spent time in Florida, he knows we do not want to see that in Canandaigua. He said that the comprehensive plan reviews livability and the recommendations to improve the community. The reason to consider an overlay as it allows the commissions to think thoughtfully about the effects of these short-term rentals for the community. The City has to make a commitment to the financially distressed class, and their living arrangements, and with a rising number of Airbnb, losing the number of long-term rentals available is an issue. So, if we convert these long-term rentals to short-term rentals, families will be iced out. He strongly supports the overlay district and does protect the livability of our neighborhoods. Corporations are getting involved in the short-term rental business and what happens to Canandaigua when Hilton or Marriott starts outbidding, it's a growing concern. The ability to cancel a permit is critical. The fact that you can put a two-year renewal or a provision to cancel is very important. When the property changes hand, it needs to be reapplied for, this is critical. Stephania Campagna, Jefferson Avenue. She thinks there is a problem in communication between departments and have a better set of rules to use. She does not want to have big companies come in and buy property in the community. She knows there are places around Canandaigua who are renting properties without a permit. She said because so many landlords ran into issues with the pandemic and were finally able to evict bad long-term tenants, short term rentals were more profitable and retained a better renter. And if there were a problem, it was a phone call for the short-term renter to leave than the lease route. She feels that having a cap could be a good thing for the community. She would like to see an end to the back and forth between Zoning and Planning, a lot more due diligence needs to be done. Chair Lyon said that it has been a good discussion on this topic. Councilmember Uebbing asked City Staff to put together a draft ordinance for Council to review. Councilmember Polimeni agrees and thanked Thorsten for his comments. She said that the comprehensive plan and said that it is a very defining document for the public to review. Councilmember Uebbing motioned for City Staff to create an outline of an ordinance to be considered by full Council, Councilmember Polimeni seconds. Unanimously passed and carried. Councilmember Unrath asked about a moratorium that suggested. Mr. Brown said the moratorium would be before short-term rentals in residential neighborhoods, they do not want to hinder further rentals and commercial neighborhoods as there's never been any contention on those. Mr. Brown said with the given the length of time for this ordinance to be approved, they could see a number of applications come in for summer. David Hou said that any application that is pending, would be paused until further action on this proposed ordinance, but it is ultimately up to the Council. Councilmember Unrath motioned to propose creating a moratorium on short term rentals until Council can get the rules in place. Councilmember Uebbing seconded. Before the vote, Mr. Brown said that they will work with Corporation Counsel on draft language for the moratorium with the details. Unanimously passed and carried. Chair Lyon thanked everyone for the discussion and coming.

Chair Lyon closed the meeting.

Finance Committee:

Steve Uebbing, Chair
Ellen Polimeni
Thomas Lyon
Dan Unrath

Other Councilmembers Present:

Sim Covington, Jr.
Renee Sutton
Karen White
Erich Dittmar

Mayor Palumbo

City Staff:

John Goodwin, City Manager
Nancy Abdallah, City Treasurer
David Hou, Corporation Counsel
James Sprague, Director of Public Works

Chair Uebbing opened the meeting and reviewed the agenda, the license agreement for the Management for The Central on Main. At the March 21st Planning and Finance Committee meeting a proposed license agreement was discussed that would involve Simply Crêpes being responsible for marketing, managing the guest experience, contracting with bands, managing the bar including alcoholic beverages, trash removal and providing insurance coverage. This management would be for Friday and Saturday evenings (5 PM – 10 PM) from May 15th to September 9th. Patrons would pay a \$5-\$10 cover charge which would include a drink and pay for the bands with the idea of being able to attract larger draw local bands. The license agreement would have Simply Crêpes pay the BID and the City 5% of total event revenues collected and coordinate/invite other area participating restaurants to do the same. Pierre Heroux, owner of Simply Crêpes, attended via zoom. Mr. Heroux spoke on the proposal; cover charge monies would help pay for the musical; acts. They would like to reach out to more local acts, as well as work with the other area restaurants and their willingness to participate. The agreement with the restaurants, to provide us with an easy way for customers to order and a time frame that their food would be available for pickup/delivery and pay a 5% licensing fee. Chair Uebbing said that these are parts of the agreement that worry him and asked how Mr. Heroux would manage that aspect. Mr. Heroux said he will work with the restaurants to help ensure they pay their fee. He will know if restaurant A doesn't pay and they will know the sales they have had and by the third month, if they haven't paid anything they would be off the menu. Councilmember Polimeni, asked if they would consider one night a week versus two. Mr. Heroux said that they would consider one night over two. They have the management team to ensure success, even if not having the experience working with Council. Denise Chaaple, BID Board did hope that we move forward with this concept and agreed to have one night versus two. Councilmember Sutton asked about who would be empowered to cancel events and Mr. Heroux would be able to do that per an email conversation from Denise Chaaple. She feels that City Staff should be able to make that call. Chair Uebbing agrees and it would be City Manager's responsibility to make that call. Councilmember Polimeni motioned to move this onto full Council, Councilmember Unrath seconded. Unanimously passed and carried.

Chair Uebbing moved onto the Canandaigua Mile Race Event. Abbie Sullivan and AJ Beers submitted a special event application for one mile race event on Main Street on July 4th. City Staff informed the race organizers that July 4th is not logistically feasible and closing Main Street is very costly. City Staff met with the race organizers and worked with them for an alternative route on City Pier/Lakeshore Drive and in the morning on a date to be determined on a weekend in August, tentatively scheduled for August 13th. Councilmember Sutton was uncomfortable approving their application without seeing the revamped application. Mayor asked if other stakeholders were in the meeting. Mr. Goodwin said that they met with AJ Beers and Abbie Sullivan met with the Chief of Police, City Manager and Denise Chaaple on finding an alternative time frame and will be resubmitting their application, although, previously reviewed at the last meeting but wanted to appear before Council to explain the change. Councilmember Polimeni moved to approve the application, pending the changes be sent to Council ahead of the Council meeting. Councilmember Unrath seconded, unanimously passed and carried onto full Council.

Chair Uebbing reviewed the details for the 2022 Preliminary Financials, at the March 21st meeting, City Treasurer Nancy Abdallah review the unaudited 2022 financials with the City Council. Chair Uebbing thanked Mrs. Abdallah for her spreadsheets which he found very impressive. He asked if any questions that City Council may

have after having had the opportunity to review the document. There were no questions for Mrs. Abdallah and she thanked Chair Uebbing for his comments.

Chair Uebbing reviewed Bond for Water Treatment Plant, Two resolutions are on the agenda for the April 6th City Council meeting to approve the SEQRA and a bond authorization of \$1.5 million to improve and upgrade the Water Treatment Plant settling basins by installing new and larger settling tubes and a new sludge collection system. Originally, the Capital Plan including funding to complete engineering and design for this project (which was approved via Resolution #2023-014) followed by the pursuit of grant funding for construction in 2024; however, during the clean-up after the wind storm event that occurred on December 23rd and 24th, it was discovered that the state of current equipment was in need of replacement as soon as practicable. This item is on the agenda to answer any questions or concerns prior to the City Council meeting. Chair Uebbing called for a motion to approve. Councilmember Lyon motioned to move this to full Council, seconded by Councilmember Unrath. Unanimously passed and carried.

Chair Uebbing reviewed the Awarding/Rejecting Various Bids and RFPS, Kershaw Park Concessions – the City received one proposal for the concessions at Kershaw Park from Woodard Rentals, which City Staff has recommended rejecting. Mr. Goodwin said that Woodard Rentals was the previous lease holder and there were several issues. Woodard Rental made illegal electrical modifications to our facility without approval or in accordance with building/fire code, left trash, debris and the facility in an unclean state, utilized more than the leased portion of the facility and parkland for the rental of small crafts and negatively impacted park maintenance activities. Further, the proposal has a starting wage below the current NYS minimum wage. They are seeking out options as they do not have a secondary vendor. Councilmember Polimeni motioned to reject Woodard Rentals bid, seconded by Councilmember Lyon. Unanimously passed and carried. Regarding, Street Marking, Chair Uebbing reviewed bids were received for the annual street marking program. The lowest bid was received by OH Striping for a total of \$92,000. OH Striping was awarded the 2022 contract; however, OH Striping did not complete a great deal of the contracted work, failed to keep to their own work schedule, failed to provide adequate communication and provided poor/substandard quality of workmanship. As a result, City Staff recommends rejecting OH Striping's bid as they failed to perform faithfully on a previous contract with the City and award the contract to Shuttleworth for a total cost of \$93,710. City Manager said that they had received three bids and this would give us what we need and under \$100K. Councilmember White agrees this project will be great to be completed. Councilmember Polimeni motioned to reject the approval seconded by Councilmember Unrath, unanimously passed and carried. Chair Uebbing moved onto GIS Consultant Bid. The 2023 Water and Sewer Fund Budgets included funding to GIS map water and sewer infrastructure of the water distribution and sewer collection systems. An RFP was issued for assistance with the technical expertise to assemble the needed data bases and related digital files and interfaces. The lowest proposal was submitted by Fisher Associates for a total cost of \$30,000. City Staff recommends awarding an engineering services contract with Fisher Associates. Councilmember Polimeni asked if they have worked with us before. James Sprague said he was familiar with them but had not worked with them before. Councilmember Polimeni moved to approve the contract, Councilmember Unrath, unanimously passed and carried. Chair Uebbing moved onto, Fire Station 1 Apparatus Bay Doors. The Capital Budget included funding to replace the seven (7) apparatus bay doors at Fire Station 1. The lowest bid was received from Tri-Co Overhead Doors for a cost of \$77,777 plus a bid alternative to powder coat paint the doors (durability, scratch resistance and longer use life of doors) at a cost of \$12,600 for a total cost of \$90,377. City Staff recommends awarding the contract with bid alternative to Tri-Co Overhead Doors. This project is under budget, according to City Manager. Mr. Sprague said that they have run their course and the they have replaced them several times. Councilmember Unrath motioned to approve the approval seconded by Councilmember Lyon, unanimously passed and carried. Chair Uebbing reviewed Water and Sewer Parts. Bids were recently opened for a variety of water distribution system and wastewater collection system parts including pipe, fittings, valves, hydrants, etc. which are required to complete various upcoming projects and maintain City infrastructure. The lowest responsible bid for all of the requested materials was from Core and Main at a total

cost of \$39,716.60. City Staff recommends awarding the contract. Councilmember Polimeni moved to approve to full Council, Councilmember Unrath seconded. Unanimously passed and carried. Chair Uebbing reviewed Chemicals at the Water Resource Recovery Facility; The Effluent Disinfection Project at the City's Water Resource Recovery Facility is nearing completion. As part of this new system, additional chemicals, Sodium Chloride (used to generate hypochlorite to disinfect the effluent) and sodium bisulfite (used to remove hypochlorite prior to release into the environment). Bids were recently opened with the lowest responsible bid for Sodium Chloride submitted by US Salt at a unit price of \$240 per ton and the lowest bid for Sodium Bisulfite was submitted by JCI Jones Chemical at a unit price of \$2.56. City Staff is looking to award the bid to Slack, as the other bids are higher. Councilmember Lyon motioned to approve, seconded by Councilmember Unrath, unanimously passed and carried onto full Council. Councilmember Sutton asked to have the motioned amended as it should be awarded to US Salt and Slack Chemicals for the two chemical compounds needed. Councilmember Lyon motioned to amend to approve both US Salt and Slack Chemicals, Councilmember Unrath seconded. Unanimously passed onto full Council.

Chair Uebbing reviewed Reallocation of Tech Fund to Police Reserve. The City Council at its March 2nd meeting adopted resolution #2023-017 that approved a \$10,542 appropriation from the Technology Fund to update the City's camera system to comply with FCC regulations. However, anticipated revenue for the Technology Fund has been delayed due to a dispute with a former lease holder of a cell tower and as a result the Technology Fund will have a negative fund balance. As such, the appropriation approved in Resolution #2023-017 cannot be made. The camera system is primarily used by the Police Department and 911 Center as a tool to enhance law enforcement and public safety activities and as such the Police Asset Seizure & Forfeiture Reserve can be utilized to fund this project. The reserve is about 175 K from a case and had about 12K at the time, has a healthy reserve, according to City Manager. Councilmember Unrath said that this is a good use of the funding. Councilmember Unrath motioned to approve, seconded by Councilmember Polimeni, unanimously passed and carried to full Council.

Councilmember Polimeni motioned to move adjourn the meeting into executive session on attorney/client privilege for the purpose of discussing pending litigation and employment history of a particular person, Seconded by Councilmember Lyon. Unanimously passed and carried.

APPENDIX B
MINUTES
ENVIRONMENTAL COMMITTEE & ORDINANCE COMMITTEE
TUESDAY, APRIL 18, 2023
COUNCIL CHAMBERS
HURLEY BUILDING, 205 SALTONSTALL STREET
VIRTUAL: <https://us06web.zoom.us/j/84662898580>
LIVE STREAM: <https://fingerlakestv.org/live/>

Environmental Committee: Karen White, Chair
Sim Covington, Jr.
Erich Dittmar
Renée Sutton

Other Councilmembers Present: Thomas Lyon
Ellen Polimeni
Steve Uebbing

Dan Unrath
Mayor Palumbo

City Staff:

John Goodwin
David Hou

Chair White opened the meeting and read the Core Values. She reviewed the first agenda items. Community Choice Aggregation (CCA). City Manager Goodwin reviewed, the City's third-party administrator, Joule Assets, for the CCA program has proffered two agreements for review and approval. The first is a proposed Electricity Supply Agreement between a TBD supplier, Joule Assets and the City. The second agreement involves selections of the type of CCA we would like to have for the re-start. As previously presented, the new CCA program is being bid with options for a conventional electricity product, blended (50% NYS renewable supply); or renewable (100% NYS renewable supply). It is also being bid with a fixed price or a variable price. Shannon Bellamy, from Joule presented and reviewed agreement details. Councilmember Sutton asked about what measures are in place to prevent what happened with the last supplier. Shannon said that there will be contract requirements in place for protection, Councilmember Sutton asked about the pricing options. Shannon said there were including all the potential pricing options so they are able to get a better baseline for pricing. Councilmember Uebbing asked about the options for the consumers. Shannon reviewed the details of the aggregate purchase for customers and how they will have more advantages having the ability to reach out to Joule for any issues or questions. Councilmember Sutton asked about the contract details. City Manager said they can discuss the contract details tonight and would need to vote on the contract on May 4th. Chair White reviewed the committees' preferences. Councilmember Ditmar would like to see 100% renewable. Councilmember Covington said that they need more details on the variable rates before moving forward. Previously, we all 100% renewable from the last agreement, said Mr. Goodwin. Shannon reviewed the pricing options. Councilmember Sutton would like to see fixed rate and 100% renewable, Councilmember Uebbing agrees. Councilmember Covington agrees with fixed and 100% renewable. Councilmember Sutton moved to adopt the MOU with the terms fixed and 100% renewable rates, seconded by Councilmember Covington. Unanimously passed and carried.

Chair White added an agenda item. Kevin Olvany, Watershed Program Manager presented on the reasons behind purchasing a fluoroprobe to help with the blue/green algae. The purchase is outside of the City's procurement process since the nature of the purchase is that it is a sole source purchase. This is the state standard for equipment and has only one vendor. City Manager said that it has to be approved by City Council. Chair White asked if this equipment is surface only. Mr. Olvany said they would use this at depth and in conjunction with the Finger Lakes Institute who has the same tool. They are able to collect the data on the blue/green algae to communicate what is happening with the Lake. Councilmember Sutton asked why it took so long to purchase as they approved the grant in 2018. Mr. Olvany said that it took more time than originally planned. Once the grant was approved and signed in 2019. The terms changed significantly. Councilmember Sutton motioned to approve the purchase fluoroprobe seconded by Councilmember Ditmar. Councilmember Polimeni asked what are the time issues involved as the grant has to be in by the 30th. Mr. Olvany said they just need an invoice dated ahead and wanting to be consistent with the City's purchasing policy. Mr. Goodwin is comfortable with passing this tonight and have a resolution on May 4th. The motion passed unanimously. Councilmembers present took a straw vote and all members present voted affirmative for this to be on City Council's agenda for May 4th meeting.

Chair White moved onto City Public Safety Boat. She said that she was following up on the purchase as she felt it all moved very quickly. Mr. Goodwin said that they purchased the boat and the trailer for \$20,000, under

the \$30K planned purchase. Staff at our Central Garage did some minor repairs, all under \$2500.00 and graphics has been purchased \$1300.00 to wrap the boat. Adding lighting and adjustments to where the boat will be docked at the City Pier will be next as hoist pricing were more expensive than planned. Mr. Goodwin noted and reviewed where the boat will be stored. Mr. Goodwin noted that this boat will be used to fight potential fires at the boathouses and water rescues, as we have not been able to do. The City has an official duty to respond for calls and had 12 times where boats were commended to which our insurance provider has said we can no longer due to the various risk and liabilities involved. Fire Chief said that the boat will be a great tool for the City, accessible 24/7 and the discussed how they respond to calls for service. County boat is used for patrols on the Lake and is not capable of providing this level of service, they will help in responding to calls, but do not have the ability to fight fire or help with any hazmat spills on the lake. Chair White expressed her deep skepticism for the boat. Chief explained that this is a tool and this will not add additional staff. Councilmember Uebbing said that he disagrees with Chair Whites comments and fully supports having this Boat on the lake. He feels that it's prudent to have this boat to respond to emergencies and thanked the Chief for his time. Mayor Palumbo said that this has been a long time coming and thanked Chief for his work on this and it's very scary to think what would happen without it. Councilmember Covington expressed how complex this issue is on both sides. Councilmember Polimeni said that this issue has been coming up for the last 25 years with the fire budget and every year it was cut until this past year. Chief said they worked very hard to find the right opportunity to purchase. Councilmember Polimeni said as a lakeside community we have to provide service. Chief noted that the County equipment does not have medical capabilities and the City will be working with the County on these issues as they have been. Councilmember Lyon remembers when a firefighter commandeering a boat to help in an emergency and there were many issues when this happens, so it's nice that the City will have this ability. Chair White said that she got the information she needed. Ann Margaret Staley said that summers are very busy on the Lake and feels it is a needed, the County is able to do patrol but not having the medical service available. David Poteet, Park street said that as a trained nurse, asked about fire staff's training. Chief said that they are all trained on different kinds of water issues and have used the Academy pool and at the lake to do their training and the majority of the staff have been trained on water rescue issues. They David Poteet asked about the age of the boat and the motor assuming the boat is closer to retiring. Chair White said that the boat is old and outdated and will be a question for the new Council down the road. Steve Pfeffer, head of the Central Garage for the City said that they have gone through the motors and very optimistic in the for long term operation as the boat stands now. They are running fine at this point.

Chair White closed the meeting.

Ordinance Committee: Erich Dittmar, Chair
Sim Covington, Jr.
Renee Sutton
Karen White

Other Councilmembers Present: Thomas Lyon
Ellen Polimeni
Steve Uebbing
Dan Unrath
Mayor Palumbo

City Staff: John Goodwin
David Hou
Rick Brown

Chair Dittmar opened the meeting reviewing the first agenda items. Tree Advisory Board, recommended Tree Removal Ordinance. Mr. Goodwin reviewed that about one year ago the Tree Advisory Board (TAB) proposed that the City Council consider an ordinance that would create some protection/regulations relative to trees located on private property. This came after a tree was taken down on the corner of Main Street and Scotland Road. The City Council tasked the TAB with outlining a draft ordinance for discussion. Over the year, the TAB has discussed and debated various different ideas and reached consensus on an ordinance that would require property owners to notify the City prior to removing a mature tree. Judy Cermack, Gibson Street, reviewed the details and noted that Canandaigua is an official Tree City. This draft ordinance that will help protect the historic trees. Dave Poteet, Park Street, said that TAB was tasked a few months back to review this and the discussions have been lengthy. The committee had to review both the historic and the regular district and the proposed guidelines will help direct residents to speak with City on the condition of the trees in their yards. He feels they City should adopt the guidelines from the US Interior Department and when the trees were removed on Main/Scotland it really upset a lot of people. He noted that having the historic district more protected by following the Interior Guidelines are ideal. Councilmember Sutton said that she had hoped the ordinance would have strong language but understands the challenges the committee has faced just wish it went further. Councilmember Polimeni said that the committee reviewed other communities' ordinance. City Manager said that they concern was protecting the trees as well as property owners' rights. It became very complex very quickly. Chair Dittmar said that the ordinance does strike the right balance but would have liked to see more penalties. Councilmember Sutton asked about cataloging the legacy trees and Judy said that yes there is legacy tree file. There is still lots of work to do, Charlotte and Howell Streets, where the Thompson's planted. Councilmember Sutton said that she really appreciates the work the committee has done and that everyone is in agreement that they would all like more to be done. Mike Yarger said that this is just government overreach and said that if he purchases a property, it is should be up to him what to do with it and not inform any one of his decision. Mayor Palumbo asked what the process is if no one informs the City, asked about a fine, but if Code Enforcement comes out and reviews and the owner still take the tree down. Mr. Goodwin said that there is nothing to stop the owner for taking it down but hoping the ordinance will help start a dialogue with the homeowner on options as the City does employ an arborist. Councilmember Uebbing said that building a culture of preservation as opposed to mandating preservation, it will be good thing and may have a lasting effect. City Manager said that the ordinances have the standard language for fines. David Hou said that if the committee takes this forward, subsection B will need to be reviewed for the historic districts. Councilmember Uebbing suggested education for property owners on this issue. Councilmember Sutton asked if the City Arborist could come and speak before voting. Chair Dittmar thanked the committee for their work and this will be an ongoing issue.

Chair Dittmar reviewed the next agenda item, Mandatory Inspection of Water Service Lines at Property Transfer. City Manager Goodwin explained the change from the EPA. Mr. Goodwin explained, at the October 18, 2022 Ordinance Committee meeting, City Staff discussed how the City protects residents and neighboring municipalities from exposure to lead with the utilization of a corrosion control system to reduce lead levels in water by reducing the corrosion of the lead service lines on. City Staff also informed the community that the United States Environmental Protection Agency (EPA) adopted regulations to further control lead and copper in drinking water and the New York State Department of Health has directed the City to replace lead service lines in accordance with the EPA's lead and copper rule. Part of this effort is identifying/inventorying every water service line within the City's water distribution system. To aide in with this endeavor, City Staff recommended a new ordinance that requires the inspection and certification of the water service upon the transfer of property. Where the water service is found to be composed of lead or galvanized metal, it must be replaced at the expense of the homeowner prior to the transfer of property. The Committee requested that a draft ordinance be

presented at the January 17, 2023 which was done, but required some revision. Mayor Palumbo asked about the license requirements for plumbers, since there are no licensed plumbers in the City of Canandaigua. David Hou said that plumbers are licensed in the State of New York. Mr. Hou said they can delete the language on licensing. The idea was making sure the person is qualified and may need to discuss that language. Councilmember Sutton read that plumbers must register with the State of New York and master plumbers must have a license. David Hou said they could change the language. Using DBA doesn't mean anything other than a filing process and not a certification of quality. Code Enforcement may have a preferred list of vendors for residents to contact. David Hou will revisit the section to try and find the right language. Mick Yarger, owns a building on South Main Street, asked how the City would determine the lead. City Manager said they have to know what the service line looks like and have to pot hole work at the curb and review how it is connected to the main. This is a huge unfunded mandate from the government and the proposed ordinance will help. The City is responsible for the line from the main to the curb stop and typical street is from the curb to the sidewalk. From the side walk to the property it is the home owner. if there is galvanized gooseneck, that may require replacement. There is a lot of variables but anything that is from the main to the curb stop the city is responsible for. The first part is the inventory and EPA is mandating a certain percentage that needs to be replaced when the home is transferred. This is a very complex issue. Chair Dittmar said that until these areas are better defined, not action will be taken tonight.

Chair Dittmar moved onto Short Term Rental, at the Planning Committee meeting on April 4", the City Council asked for a draft ordinance based upon the recommendations of the Planning Commission and Zoning Board of Appeals for review and consideration. Rick Brown was present and reviewed the draft and the map. Revisions of the definitions of short term, the updated ordinance clarified the difference. The overlay district is new with the draft. Councilmember Sutton has not changed her position and still disagrees with the proposed changes as well as the overlay district and plans to vote no. She encourages the community to come and express their concerns at the public hearing. Councilmember White is on the same page as Councilmember Sutton. She feels that the current ordinances haven't been well enforced. She feels that this is too restrictive and feels the current ordinance is enough. Ryan ??? a member of ZBA, disagrees with Councilmember White. They have been applying the law as it has been written and passed by Council. They are reviewing on a case-by-case basis. He has heard many people said that we are biased and that has not been the case. Councilmember Uebbing asked about adopting the new ordinance that are currently in place outside the district, Mr. Brown said that the issue would need to be looked at as it is outside the district with the change proposed. The transfer of the permit is also a part of the language. Mr. Brown said drafted the change so that the permit does not transfer with the property and the new owner would need to reapply. This would ensure that all the licensing areas would be addressed with the new owner. Council would still need to review what the new standards would involve. A local resident, Brian spoke and asked about how Code Enforcement would investigate claims. Mr. Brown said they regularly review Airbnb's website and others to see if local houses are listed who are without a permit. Councilmember Lyon said that there may be some concerns on how the ordinance is written, on recourse and having more language that speaks to this will be helpful. Having the renewal once the property transfer permit reapply will help navigate this issue, Mr. Brown. Mayor asked about section 3 section A, a complete dwelling unit is a home to differentiates between a B & B, Councilmember Uebbing said that this is complex and if it does not go through ordinance it has to go back to Planning. Stan Taylor, Kennedy Street. what the commission is asking for is assistance in clearing up some of the language of the original ordinance and asking for help. Chair Dittmar isn't in favor of the overlay but yes to the other changes. Mr. Brown said that the other changes are in the ordinance may result in a change to a section of the code. David Hou said that one of the issues is to eliminate the ZBA from the process all together. There are ways to impose the changes that are looking to

happen and Mr. Hou can help structure the language as needed for the ordinance. Councilmember Sutton would like to prevent short term rentals from corporations take over, the rest she approves of. She thanked Stan for his comments. Mayor Palumbo thanked Ryan and Stan for their comments. City Manager said they will scrap the overlay and make the other changes as recommended. City Manager said that the moratorium is still in progress, and the moratorium is applied for short term rentals in residential districts at the May 4th meeting. The moratorium can end if needed ad reviewing the draft at the 4th will determine that. Chair Dittmar said hopefully this feedback is helpful. Mr. Brown said that grandfather properties would need to be worked out as well.

Chair Dittmar moved to close the meeting and moved into executive session to discuss the employment of a particular person.